

During Nevada's territorial period the office of Attorney General (AG) was a position appointed by U.S. President Abraham Lincoln. Benjamin B. Bunker, the first territorial Attorney General, was appointed in 1861 but resigned the next year. Theodore D. Edwards served from 1862 until statehood in 1864. Both territorial Attorney Generals were allowed to augment their territorial salaries with service as private counsels. Bunker's private law firm once represented the state in prosecuting individuals and Edwards served as Ormsby County District Attorney at the same time he was Attorney General. These practices were prohibited by the 1864 state constitution.

Article 5 of the Nevada State Constitution provided for the popular election of the AG to a four-year term but was otherwise vague on the duties of this office. The 1867 Legislature passed the first comprehensive legislation on this office and its powers. The AG was required to live and practice in Carson City and attend to the following duties:

- To attend each session of the State Supreme Court and prosecute or defend all cases in which the state or a state officer in an official capacity was a party in a suit.
- To assist in all impeachments tried before the Senate.
- Upon request of any state official, to give his opinion in writing upon any question of law relating to their offices.
- To keep a docket of all causes to which the state or any officer of the state in his official duties may be a party, and provide an update.
- To submit an annual report to the Governor on January 1st, consisting of details of the condition of the affairs to the AG's office to commence or defend a suit whenever the Governor directs, or when in the AG's opinion, to protect and secure the interests of the state.
- To receive from the State Land Office, a list of land patents filed with that office.
- To prosecute foreign corporations.
- To approve articles of incorporation of bonding and surety companies.
- To give advice to Nevada county District Attorneys on questions of law and the propriety of taking certain court actions.
- Failure to perform or neglect any of the duties required of him would be deemed a misdemeanor and the Attorney General would be subject to removal from his office.

The Nevada Legislature removed the residency requirement in the 1977 session by amending NRS 228.040 which pertained to the geographic site of the AG's office and residence.

From the earliest days of statehood, the Attorney General was a member or ex-officio member of numerous state boards and commissions, some of which were powerful and some of which were enabled for only a short time. They included the Board of Examiners; Board of Pardons (later Parole and Pardons); Board of Directors of the State Library; Board of State Prison Commissioners; Commission of Industry, Agriculture, and Irrigation; Board of Railroad Commissioners; Board of Revenue; Board to Investigate State Police; and Board of Mineral Land Commissioners.

Until 1908 the Attorney General was the only state official dealing with legal issues. In that year the AG was authorized to appoint deputies to perform the duties of his office. 1908 was also the year in which the AG was given a very significant charge: to commence suits or take such action as might be necessary to maintain a regular or natural flow of water in the Truckee River.

The Attorney General's office possesses a set of powers appropriate to all three branches of government: executive, judicial, and legislative. The AG acts in many ways as a public administrator and as such, the style and personal inclinations of an AG may lead to an emphasis on particular types of office activities. These inclinations may place the office on the fringe or at the center of important policy determinations – for example, control of water and power resources, nuclear testing, divorce, gaming, prostitution, control of federal lands, and organized crime. This trend became stronger in the 20th century.

## **Bibliography**

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Thompson, William N. "The Office of the Attorney General of Nevada in the Nineteenth Century," Nevada Historical Society Quarterly 26 no. 4 (1983): 272-297; and 27 no. 1 (1984): 13-33.

## **List of Attorneys General** **(Compiled from the *Political History of Nevada* 1996)**

<b>Name</b>	<b>Years</b>
Nourse, George A. (Rep)	1864-67
Clarke, Robert M. (Rep)	1867-71
Buckner, Luther A. (Dem)	1871-75
Kittrell, John R. (Dem)	1875-79
Murphy, Michael A. (Rep)	1879-83
Davenport, William H. (Rep)	1883-87
Alexander, John K. (Rep)	1887-91
Torreyson, James D. (Rep)	1891-95
Beatty, Robert M. (S) died December 10, 1896	1895-96
Judge, James R. (S) appointed December 21, 1896 to January 2, 1899	1899
Jones, William D. (S) resigned January 15, 1901	1899-1901
Woodburn, William (S) appointed January 15, 1901 to January 5, 1903	1901-03
Sweeney, James G. (S-D).	1903-07
Stoddard, Richard C. (S-D)	1907-11
Baker, Cleveland H. (Dem) died December 5, 1912	1911-12
Thatcher, George B. (Dem) appointed December 6, 1912, until next election	1912-15
Thatcher, George B.* (Dem)	1915-19
Fowler, Leonard B. (Dem)	1919-23
Diskin, Michael A. (Dem)	1923-27
Diskin, Michael A. (Dem)	1927-31
Mashburn, Gray (Dem)	1931-35
Mashburn, Gray (Dem)	1935-39
Mashburn, Gray (Dem)	1939-43
Bible, Alan H. (Dem)	1943-47
Bible, Alan H. (Dem)	1947-51
Mathews, Williams T. (Dem)	1951-55
Dickerson, Harvey (Dem)	1955-59
Foley, Roger D. (Dem) resigned July 15, 1962	1959-62

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Springer, Charles F. (Dem) appointed July 16, 1962, to serve unexpired term	1962-63
Dickerson, Harvey (Dem)	1963-67
Dickerson, Harvey (Dem)	1967-71
List, Robert (Rep)	1971-75
List, Robert (Rep)	1975-79
Bryan, Richard H. (Dem)	1979-83
McKay, Brian (Rep)	1983-87
McKay, Brian (Rep)	1987-91
Del Papa, Frankie Sue** (Dem)	1991-95
Del Papa, Frankie Sue** (Dem)	1995-99
Del Papa, Frankie Sue** (Dem)	1999-2003
*Appointed by Lieutenant and Acting Governor Gilbert Ross.	
** First woman elected to the office of Attorney General.	